

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.621 OF 2004
IN
EXECUTION APPLICATION NO.74 OF 2001
IN
AWARD NO.63 OF 1999

Atul Kothare Petitioner

V/s.

Upendra Majhithia Respondent

And

Jaypal Kothare Applicant

Ms.Alpana Ghoney i/b Mrs.J.N. Shah for the Applicant.

Mr.Sandeep Parikh for the Respondent - Judgment
Creditor.

CORAM : S.J. VAZIFDAR, J.
DATED : 24TH AUGUST, 2004.

P.C. :

1. Mentioned, not on board. By consent the
Chamber Summons is taken up for hearing.

2. The learned counsel appearing on behalf of the
Respondent makes a statement that the Respondent is
executing the award against the Judgment Debtor only

to the extent of the Judgment Debtor's share in the said properties. The right, if any, of the Applicant is not affected in any manner. Needless to state that the intending purchaser shall be informed of the same. It is agreed between the parties that the share of the Judgment Debtor is only to the extent of 50% in the said properties i.e. Kothare House and Krishnapant Niwas. The Sheriff shall give notice to the Applicant before finalising the terms and conditions of the same.

3. The Chamber Summons is accordingly disposed of.

. All the concerned parties to act on an ordinary copy of this order duly authenticated by the Chamber Registrar / Court Stenographer of this Court.